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NOMINATION OF ROBERT E. FARRIS

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

THE NOMINATION OF ROBERT E. FARRIS TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION

MARCH 31, 1988

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NOMINATION OF ROBERT E. FARRIS

THURSDAY, MARCH 31, 1988

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:04 a.m., in room 406, Dirksen Senate Office Building, Hon. Quentin N. Burdick [chairman of the committee], presiding.

Present: Senators Burdick, Moynihan, Breaux, Graham, Chafee, Symms, Durenberger, and Warner.

OPENING STATEMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. The committee will come to order.

Today, the Committee on Environment and Public Works begins consideration of the nomination of Mr. Robert E. Farris to be Administrator of the Federal Highway Administration at the Department of Transportation.

I would like to also welcome Mrs. Farris who is present in the hearing room today.

Oversight of the FHWA and jurisdiction over the Federal-aid highway program are among the most important responsibilities this committee has. In addition, the committee is increasingly concerned with infrastructure needs in a broader sense, but at the center of that concern is the need for a sound highway and bridge system. Simply put, there is a crucial link between transportation and a healthy economy, and that is as true at the local level as it is internationally.

The Federal-aid highway program is one of the most significant and successful of all Federal programs. It represents a long-standing Federal-State partnership to meet an essential need. Within the Department of Transportation budget, FHWA accounts for over half the spending. The Federal Highway Administrator is responsible for managing an annual budget of over $13 billion as well as a 3,600-member staff.

Your background, Mr. Farris, appears to have prepared you well for such sizable responsibilities. You have over 30 years of business experience. You spent nearly 5 years in State government as the Tennessee Transportation Commissioner, and you also have several years of Washington experience.

You served as the first chairman of the National Council on Public Works Improvement, a panel, I might note, created in 1984 by legislation originating in this committee, and since August of 1986, you have been the Deputy Federal Highway Administrator.

The President has now nominated you to the post of Administrator.

There are those who say that appointments made near the end of an administration are of less importance, but the Federal-aid highway program is at a critical juncture, and a new administrator will have a strong role to play in determining the program's future.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 reauthorized highway, highway safety, and transit programs for fiscal years 1987 through 1991. There were major differences between the Senate and House versions of the legislation, and once they were resolved, after States had gone 5 months without any highway funding, the President decided to veto the bill. It was a contentious time, but once that veto was overridden and the program reauthorized, we moved on.

There continue to be differences among those with an interest in this vital program, but I would hope that the Administration and Congress will be able to work cooperatively in meeting the Nation's transportation needs.

We do, however, have a serious disagreement over the proper level of spending for the Federal-aid highway program. Last week, Senator Stafford and I sent a letter to the Budget Committee recommending, on behalf of this committee, an obligation ceiling of $12.35 billion for fiscal year 1989, the same level as contained in the 1987 highway act. Recently, after proposing a ceiling of only $11.4 billion, the Administration proposed further cuts in highway spending in order to benefit the Coast Guard.

The highway trust fund is financed by highway users. It can support a much higher level of spending, and, certainly, the highway and bridge needs are there, even by FHWA's own estimates.

There are a variety of serious, wide-ranging transportation issues before us, and they pose very tough challenges. For example, rural agricultural States with small populations and large land areas have an increasingly hard time raising sufficient revenues. Counties in my own State of North Dakota are even being forced to demap some of their roads as their tax base shrinks and programs like revenue sharing end. At the same time, we have near gridlock conditions on many of our urban and suburban highways which are often badly worn and in need of replacement or expansion.

There is much to be done. Even though there are disagreements on the best approach, it is a great help to be able to work together toward a resolution of the problems. I appreciated the untiring efforts of your predecessor, Administrator Barnhart, in this respect.

I want to also note Secretary Burnley's pledge to place a high priority on communication and coordination with Congress. I hope that in that spirit we can move forward in considering your nomination today.

It is a pleasure to welcome you, Mr. Farris, and I look forward to hearing your testimony.

I will now defer to the able Senator from New York for any words he may want to utter.

OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator MOYNIHAN. Thank you, Mr. Chairman.

I join you in welcoming Mr. and Mrs. Farris. We have had the pleasure of a good conversation with Mr. Farris about his work for which he is well qualified, clearly, and which he means to involve with a very attentive look into the future of our programs.

A great point about H.R. 2 is not that we had a controversy over it which is over and gone, but the fact is it is the last bill of the interstate highway era. It is very clear that we are entering a period in transportation in which the highways are not going to be able to carry the full needs; they are not going to be sufficient to the transportation needs of the country.

Mr. Farris gave me projections for the year 2000. Mr. Breaux would be interested in this, I think. They have a classification system at the Administration which goes A, B, C, D, E, and F—A for open road and F for gridlock. He suggests that by the year 2000—I think I am right—that every major urban area of a million or more in the country will be working at levels E or F.

The interstate highway system has been, from the outset, misread as a place of highways crossing plains. Most of the money has been spent in the cities, because most of the traffic is in the cities.

The need for something like magnetic levitation as a next new system is very clear to me. Somebody is going to do it. If we don't do it, the estimate is that by the year 2010, I think, Mr. Farris—and I am not just making a speech—it will take 44 lanes of interstate highway to carry the traffic from Miami to Palm Beach. We can't do that; there is not enough of Florida, and they would be over into Louisiana before it was done.

So, I look forward to your testimony, sir. Much more, I look forward to your term in office.

Mr. FARRIS. Thank you, Senator.

Senator BURDICK. We will now hear from Louisiana.

OPENING STATEMENT OF HON. JOHN B. BREAUX, U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator BREAUX. As a citizen of this area who comes to work every morning on a category F highway, I am a little concerned about Senator Moynihan's predictions which I am afraid are very accurate.

I am pleased to hear from the nominee, Bob Farris, this morning, and I think that he brings, Mr. Chairman, to this position the experience and the background and the training that means he doesn't have to learn on the job. He has served as deputy, and I am particularly pleased that he has had the experience in serving as a State transportation director, because we cannot make this program and the Department work unless we have an appreciation and understanding of the particular needs of the States, and I am very pleased that he brings that type of experience and qualifications to this position.

I look forward to working with him.

Mr. FARRIS. Thank you, Senator.

Senator BURDICK. We will now hear from Idaho.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Thank you very much, Mr. Chairman.

I want to thank you and Senator Stafford and others for expediting this hearing because I think it is important that we move this nomination forward expeditiously and get Mr. Farris and Mr. Jackson who will be his Deputy Administrator settled in their offices as soon as possible.

We received the President's nomination of Bob Farris 6 weeks ago today, and I believe all the members of the committee have had an opportunity to meet with Bob privately, and I hope all members share my confidence, as was just stated by Senator Breaux, that he is well qualified and will make a fine Federal Highway Administrator.

I commend the President and Secretary Burnley for their judgment which they have shown in sending this nomination to the Hill. I only wish it would have come earlier.

Before coming to Washington, as we know, Bob served as Commissioner of the Tennessee Department of Transportation where he earned a solid reputation as an advocate for top quality efficient transportation networks. I might also say that one of those projects was a demonstration project on the bridge program that he innovated and worked out in Tennessee that has proven to be a very cost-saving methodology that is now being used all over the country.

He also served on the National Council of Public Works Improvement, the Executive Board of the Transportation Research Board, and in 1986, he was appointed Deputy Federal Highway Administrator.

I think that Mr. Farris understands that a safe, efficient highway system stretching from coast to coast and border to border is essential to the economic growth and long-term political stability of this country. I expect that he is going to be a very strong advocate, as was his predecessor, of such a highway system, both within the Administration and in his travels around the country.

So, for that reason, unless something unforeseen would change my mind, I will be looking forward to voting for his confirmation as soon as possible and will urge my colleagues to do the same.

We are pleased to have you here this morning, Bob.

Mr. FARRIS. Thank you.

Senator BURDICK. Well, Mr. Farris, we will now hear from you.

Senator MOYNIHAN. Finally, you are going to get a chance.

Mr. FARRIS. Well, I hope my opening statement won't undo the nice accolades you have offered me already this morning.

If I might, I have submitted to you my formal statement, and I would like to read it for the record.

STATEMENT OF ROBERT E. FARRIS, ADMINISTRATOR-DESIGNATE, FEDERAL HIGHWAY ADMINISTRATION

Mr. FARRIS. It is an honor for me to be nominated by President Reagan as the 11th Administrator of the Federal Highway Administration. Likewise, it has been an honor and a rewarding experi-

ence to serve with former Administrator Ray Barnhart. I served as his Deputy Administrator since August of 1986.

During that time, I had the pleasure of working with some of the members of this committee, and I look forward to continuing that active association should you confirm my nomination. In addition to thanking the President for his confidence in nominating me, I would like to thank Secretary Jim Burnley for his support during my tenure at the Department of Transportation as well as former Secretary Elizabeth Dole.

One of the things that I have heard Ray Barnhart say many times, which he reiterated to this committee on February 29 of this year, is that the Federal Highway Administration is one of the top operating agencies in the Federal system. I, too, as Deputy Administrator and as the chief administrative officer of a State agency, have found that the FHWA is a highly professional and efficient organization. As an agency, we are proud of and appreciate the cooperative relationship that has traditionally existed between FHWA and this important committee. If confirmed, I pledge to continue that cooperation and to carry out the responsibilities of my office and the mandates of Congress to the best of my ability.

As the former Commissioner of the Tennessee Department of Transportation and Chairman of the National Council on Public Works Improvement, I am well aware of the problems facing the Congress and the States with respect to the Federal-aid highway program and our vital transportation needs. At the same time, I am cognizant of the current budget constraints placed on all of us. Growing needs and tough fiscal constraints make finding solutions not an easy task for any of us.

However, I assure you that I will endeavor to work with each of you in seeking not just solutions but good solutions. I realize that some of those solutions may not be popular in all quarters, but solutions are necessary for the fiscal well being of the country.

I am quite mindful of the recent long and controversial struggle over the highway program between the Congress and the President. The controversy over H.R. 2 and its historic veto are fresh in all of our minds.

When I appeared here before you presenting the Administration's fiscal year 1989 budget request, I heard your concerns about unspent user fees, growing needs, demonstration projects, the proper expenditure of the highway trust fund interest, and obligation ceilings. These are tough issues, but I have confidence that with the help of the fine professional staff at FHWA and the cooperation and guidance of this committee, we will be able to develop workable solutions for these very difficult challenges.

That seems to be the history of the bipartisan efforts of this committee in its role as the architect and conservator of the world's largest and greatest public works project. If we work cooperatively, I have great faith that we will all be proud of our contributions to this essential national program.

Most of you have already examined my qualifications as a candidate for the Federal Highway Administrator. I am optimistic about assuming the duties and responsibilities of this position because of my training and experience as the other partner in the Federal-State cooperative program. I am very cognizant of the States' role,

its needs and problems. I believe I have a feel for what role the States can and should play in the future of the Federal-aid program as well as the role FHWA should play representing the Federal interest.

I have gained another perspective of the Federal highway program through my most recent service on the National Council on Public Works Improvement. I look forward to reviewing and analyzing the series of important reports that the Council has presented to the President and to Congress.

With the current act due to expire on September 30, 1991, we all must immediately start to focus on the future direction of our highway program. Secretary Burnley has spoken recently as to his thoughts on this issue before the AASHTO Policy Committee's conference. He urged State officials to be aggressive in reclaiming the legitimate role of the States in setting the agenda for highway programs. He called for the elimination of extraneous Federal requirements, as Ray Barnhart often did, to ensure a greater transportation return for every dollar spent. He has asked the highway constituency to look at the possibility of a tax turn-back or a revenue return and, using either approach, to ensure that the vitality of the interstate system remains a Federal responsibility administered through the States as it is today.

Secretary Burnley has asked the States to look beyond the motor fuels taxes and to consider new and more efficient ways to finance the expanding needs of the nation's highways. He strongly favors allowing the States to combine Federal-aid funds and toll financing. This committee also recognized the possibility of toll financing of highways when it authorized a toll road pilot project in H.R. 2.

We are carefully and thoughtfully exploring Secretary Burnley's ideas, and I personally endorse his desire to explore new and innovative directions in the Federal-aid highway program.

Aside from FHWA's traditional highway construction program, I am most supportive of another very important program in FHWA that is just on the edge of great new developments, that is, our motor carrier program. One only need drive the Capitol Beltway to sense the role of trucking in America. It is big, it is growing, and its safety role on our roads is of great concern to this committee and to me.

FHWA has a full plate of important programs, but I foresee the administration of the motor carrier program as a very crucial and urgent mission. To date, I find that FHWA has an excellent implementation effort underway and growing in full support of the mandates of Congress in the motor carrier area. This is and will continue to be one of my highest priorities.

I want to state to each of you my personal commitment to assure you that FHWA will be responsive and cooperative with this committee and the Congress. I personally will take the responsibility to see that each of you and your staffs are in the pipeline on actions and issues which warrant your interest and attention.

As we move toward the completion of the interstate program, we must constantly seek new directions in the Federal-aid highway program. There are many Federal roles that I still see that extend beyond finishing and preserving the interstate system such as maintaining our interstate bridges, exploration of new concepts in

highway corridor preservation, a multitude of Federal infrastructure decisions, research and development that might best be done by the Federal Government, and last but not least, a great cooperative responsibility with the States for the safety of the nation's motoring public.

There is still a role for FHWA, and I want to accept the challenge to assist this committee in designing and implementing just what that next role ought to be.

I thank you for having allowed me to share my general thoughts with you on these responsibilities that I would undertake and ask for your support and confidence in confirming me as the 11th Federal Highway Administrator. I thank you for this consideration and will be pleased to respond to any of your specific concerns.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you very much.

Senator Durenberger.

Senator DURENBERGER. Thank you, Mr. Chairman.

I do not have a formal statement, and I have no questions of Mr. Farris at this time. I may submit some at a later date.

Senator BURDICK. At this time, I ask unanimous consent that a statement of Senator Stafford be made a part of the record.

[Senator Stafford's statement follows:]

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Mr. Chairman, I want to join with you in welcoming Mr. Farris today to the Committee today as the President's nominee for Administrator of the Federal Highway Administration.

Mr. Farris, you come before us today as the Deputy Federal Highway Administrator, a position you have held for over 18 months. That, along with your previous experience as Commissioner of the Tennessee Department of Transportation and as Chairman of the National Council on Public Works Improvement will prepare you well for the position of Administrator of the Federal Highway Administration.

Nevertheless, as you probably know, being Administrator of the Federal Highway Administration is a challenging task. The Federal-aid highway program has an annual authorized budget of over $13 billion. It is a program that affects every State, city and county in this country.

The Federal-aid highway program has been authorized through fiscal year 1991, and an important part of your job as Administrator will be implementing that legislation. However, an equally important task will be to look forward to the future of what this program should be after 1991, and after the completion of the Interstate System.

I do not plan to be a Member of the Senate when the highway program is next authorized in 1991. After following this program for many years, I have two concerns about the program that I would like to leave with you as you think about the future of the highway program. I expressed the same concerns to Secretary Burnley when this Committee met with him prior to his confirmation.

First, as necessary as highways are, they have a tremendous impact on the environment and on our neighborhoods. The purpose of the Federal-aid highway program is not just to build highways. In the future we must be even more concerned about preserving our wetlands, clean air, clean water, parklands, farmlands and historic landmarks. These are limited resources that must be carefully guarded.

Secondly, the Federal-aid highway program has often been cited as a federal program which has worked well. It has worked well because State and local officials have made the decisions on which projects have priority for funding. The 1987 highway act was a dramatic departure from that principle. I am concerned about the future of the highway program when a law is enacted with over 150 demonstration projects. These projects constrain the regular program, particularly during a time of serious budget deficits. And I believe over the long term, these projects will erode support for this program.

It is a pleasure to have you here, Mr. Farris and I look forward to working with you.

Senator BURDICK. When Secretary of Transportation Burnley appeared before this committee previous to his confirmation, he spoke of the high priority he places on close communication and coordination with Congress. Do you share that view?

Mr. FARRIS. I certainly do, sir.

Senator BURDICK. What differences do you see between heading a State transportation department and the Federal Highway Administration?

Mr. FARRIS. There is a distinctive difference in that as a State administrator, we were project oriented. We were on the front end of making the decisions on setting priorities for projects, implementing them, and putting them in place.

The Federal role is more of a role of oversight to see that the Federal interest is preserved and protected and that the proper procedures are followed. So, the project initiation is the biggest distinctive difference between those who operate at State agencies and my new role now as representing the Federal interest.

Senator BURDICK. Recently, the Administration proposed a reprogramming of $25.3 million in highway projects, including access roads to lakes, to the Coast Guard to cover fiscal year 1988 operating expenses. How were these projects chosen and why does the Administration believe the Coast Guard needs are more pressing?

Mr. FARRIS. As we all are faced with this tough decision of resource allocation, Mr. Chairman, we, too, have to deal with that within the U.S. Department of Transportation, looking at the funds that are available to us and trying to make use of those funds that may in fact at a given moment be sitting idle.

That was the attempt in the reprogramming, to present some offsets for some urgent needs in Coast Guard, using funds that were old funds, not currently applied funds, but funds that had not been currently obligated. I might point out to the committee that even though we have submitted that to you, we are not impounding any funds. If those funds become obligated some time between now and the time this committee acts, then we will have to look somewhere else, but these were proposals that were submitted to the committee as off-sets for some urgently needed funds in the Coast Guard area.

Senator BURDICK. Looking at it as a citizen, there is quite a gap between highway programs and the Coast Guard.

Mr. FARRIS. Yes, sir. It is a sizable jump, Mr. Chairman.

Senator BURDICK. Should we jump that far?

Mr. FARRIS. Well, I have tried to come down on the side—and, obviously, in our internal discussions, I have presented our best case, and I have tried to come down on the side we all have to play in this business of resource allocation. I looked at what major impact it was going to have immediately on our highway program and came to the conclusion that we could live with that.

The programs that were being addressed—some of the money had not been obligated, and here is an opportunity to deal with an urgent situation as had been presented to me in regard to the Coast Guard. So, I weighed that decision in regard to the impact it was having on the highway program.

Now, if they had taken primary funds or interstate funds, you would have heard me scream to high heaven, and I don't think that was the Secretary's intent. So, they were trying to make their best judgment on the use of what available funds we had to work with without severely impacting the deficit that we are all concerned about.

Senator BURDICK. Are we apt to be laying a little foundation here for using highway money for other unrelated purposes?

Mr. FARRIS. Mr. Chairman, I think we need to look at this process very carefully, and I am sure this committee will do just that. We certainly did as we prepared this activity to present to the committee. It was not a knee-jerk decision on our part. It was thoroughly discussed and thoroughly analyzed, and it was a tough decision for us.

And, as this committee is faced with our recommendation, it will be a tough decision for you. Somewhere in that process, I think we will all make the right decision.

Senator BURDICK. I can think of a lot of places in North Dakota which could use highway money.

Mr. FARRIS. Yes, sir.

Senator BURDICK. But I think we have to be careful to remember the purpose for which the money is raised.

Mr. FARRIS. The reprogramming funds were general funds. They were not Highway Trust Funds. We would like to make sure we keep that in mind. These were general appropriations. We are not talking about diverting any Highway Trust Funds.

Senator BURDICK. Many North Dakota farmers have expressed their concerns about the commercial drivers licensing requirements of the Commercial Motor Vehicle Safety Act of 1986. What criteria will DOT use to determine whether a group or an individual will be eligible for exemption? What stage are you at in seeking comments, and what is your overall time table?

Mr. FARRIS. In reading the intent of Congress in the passage of the commercial drivers license statute, we are trying to follow that intent as we interpret it, and that is to provide a mechanism to assure the motoring public that those who operate large commercial vehicles on our system do in fact face a mechanism where the States can require them to demonstrate their skills and ability to operate that vehicle and, secondly, to provide a system whereby we could remove the problem drivers out of that category. Those who have consistent violations on the operation of commercial vehicles of a serious nature could, in fact, be identified and a process established to remove them from that operation.

Congress in its wisdom also gave us the provision to instigate waivers. We take both of those responsibilities seriously. We are trying our best to come down as hard as we can on the safety side of the issue, but we recognize that there are some legitimate needs and, it was not this body's intent to unnecessarily encumber the operation of the family farm or the volunteer firemen or the military driver, all of whom have very unique and special requirements. They are not necessarily large operators out on our system.

Within less than a week now, I believe we will be on the street with our request for comments in this area which gives us the basis from which we might actively consider these waivers. I fully expect

that before these testing requirements are implemented, we will have adequate waiver provisions in place to deal with the major concerns of the farm industry as well as the volunteer firemen and the military driver.

Those have been the three major groups, although we have had about eight other categories that have raised questions about exemptions, and we are going to be as cognizant of the total intent of Congress when you passed the act. At the same time, we are going to be sensitive to the needs of individual groups where we do not feel it is necessary to allow sufficient waivers for them to not have to participate in this commercial drivers activity.

I believe we can answer most of the concerns through the waiver process.

Senator BURDICK. Well, I certainly hope that you do something about this situation, because the farmer really makes little use of these highways. I don't think we ever intended to bracket them in.

Mr. FARRIS. It might be interesting for the chairman to know that the first time I had an opportunity to hear this was in the State of Nebraska. I didn't choose my location too wisely to bring up the impact that this might have on operators of our agricultural vehicles, but I got my first introduction to their concerns from a farmer who was a State Senator in the State Legislature who told me in no uncertain terms that he fully expected to have us seriously consider waivers for certain agricultural entities, and we will do that.

Senator BURDICK. I am certain you would have the same reaction from Minnesota or from Idaho or from North Dakota.

Mr. FARRIS. Yes.

Senator BURDICK. Well, I am glad you are going to do something about it

Mr. FARRIS. I think we can handle it. I think we are going through the proper process here to make sure that we are, in fact, meeting the intent of the act. We do need to clearly identify those who deserve to have waivers but who would not necessarily impose any undue safety activities on our highways and really look at the commercial side of the issue, not just the family farm.

Senator BURDICK. We have asked FHWA, the General Accounting Office, and the Transportation Research Board to provide us with alternative compliance criteria that would better measure the speed limit compliance and relate more closely to improved highway safety. Can you tell the committee the status of your efforts?

Mr. FARRIS. We are trying to coordinate, as best we can, the role that we play in this whole very complex issue with our sister agency of NHTSA and with the Transportation Research Board. We are obviously aware of the report that GAO put out.

I would simply like to point out to the committee that this is a difficult issue for us to deal with. Just fooling around with the formulas I don't think is going to solve our problem. We can change the formula process and maybe put one State in compliance and take two others out.

As I said to you when I appeared before you on the appropriations activities, to me, the issue of sanctions and the imposition of sanctions on the State may not be the exact way in which we are all trying to or desire to improve safety on our highways. There

are, obviously, specific roles that this agency, the Federal Highway Administration, ought to be playing in terms of geometric designs, signing, maintenance of the highways, clear zones, all of the things that we have direct responsibility over in our operations with the State departments of transportation.

But speed enforcement is not one, and we are finding, I think, clearly, as we move forward in the most current activities, that responsibility for monitoring and enforcing speed limits is truly a State function and that it is the State elected officials that have that direct responsibility. The State police force reports to them, and they must decide through their process the application of their limited resources to provide the best safe environment for their constituencies and their citizens.

Are we in fact beginning to skew that by our efforts in trying to impose monitoring requirements and speed limit restrictions on the most efficient highway system we have? I am bothered by that because we may in fact be causing a State to spend an inordinate amount of time in this whole process where they should, perhaps, be spending more time on drunk driving, drug abuse, and some other sections of road in their State that may be far more dangerous than our interstate system.

Now, we all must not back off from our commitment to safety on our highways. But I think we need to look at what responsibility each of us shares, and I keep coming back to my State position.

I was concerned about that in Tennessee, where we had a Commissioner of the Department of Safety. He reported directly to Governor Alexander. So, if the citizens of Tennessee were concerned about the enforcement of speed limits within their State, that is the direct line of accountability and responsibility.

We seem to have injected a process into that, which is skewing it to some degree. I looked at the historic actions that have been taken in regard to the efforts to impose speed limit restrictions and find that we are really dealing with what I call the rubber duck. We notify States of sanctions, they go through a hearing process, they go through a redefinition of their statistical data, and we, in turn, generally reinstate most of the money when they come into compliance.

So, if we are serious about this, we ought to be an advocate for safety on our system. We ought to be taking great responsibility in those areas where we have the direct accountability.

If we want to be in a position of requiring the States not to exceed certain speed limits on their interstate highway system, we should simply say that, Mr. Governor, you must post speed limits not to exceed a certain limit. If we want to go further than that, say you must prepare and present to us an enforcement plan.

Beyond that, I feel we have gone beyond what is really our intent here, and I think out of all of this, maybe we can begin to look more honestly at what we need to do in terms of speed limit enforcement on our system and assign that responsibility where there can be some direct accountability.

Senator BURDICK. Senator Symms.

Senator CHAFEE. Could I ask a quick question? I have to go to another hearing.

Mr. FARRIS. Senator Chafee, it is nice to see you, sir.

Senator CHAFEE. I just want to say one thing, and that is to remind you, Mr. Farris, that this committee is the Environment and Public Works Committee. So, I would hope in carrying out your duties, which I hope you are confirmed as head of the Federal Highway Administration, that you will bear in mind the environmental matters that come up.

You are going to be confronted with putting a highway here or there. There are specific laws at cost to you with not putting them through parks, but there are other environmental issues that come up. I just hope you will be sensitive to those issues as you carry out your duties.

Mr. FARRIS. Thank you. I can assure you that I will. I have worked some very tough issues when I was the Administrator in Tennessee where we actually make those decisions about where roads are going to be located. I worked very carefully with our Game and Fish Commission, and we had fairly large, active citizen groups in our State that were duck hunters and quite sensitive about wetlands.

Senator CHAFEE. Well, I think that is a big one, the wetlands, and there are options. A road doesn't always have to go in a straight line.

Mr. FARRIS. That is correct.

Senator CHAFEE. So, that is the point I would like to make to you.

Mr. FARRIS. I share that with you, Senator.

Senator CHAFEE. Thank you.

Thank you, Mr. Chairman.

Senator BURDICK. Senator Symms.

Senator SYMMS. Thank you, Mr. Chairman.

Mr. Farris, I was encouraged by your comments about speed limit enforcement. I have a question here, and that is, would you support legislation to repeal the funding sanctions and require each Governor to monitor and report speed data on highways posted for 55 and above and to certify annually that he or she is enforcing the speed limit within their State? Would you support that?

Mr. FARRIS. You bet. I think that is a very logical and sensible approach.

Senator SYMMS. I totally agree with that, and I think you made the point that we have gotten ourselves in a situation where we force the States to spend a disproportionate amount of time to comply so they don't lose the sanctions. As a result of that, there are more accidents from drunken drivers and other things that could be attended to instead by using those law enforcement dollars to stopping and, I think, actually enhance safety.

So, although the issue is not likely to be seriously debated during your tenure, do you think the States should be able to establish their own speed limits without Federal interference?

Mr. FARRIS. Well, that worked pretty well for us for a long time, Senator Symms, and I am being a States' support entity, for not only responsibility but also the accountability of setting those limits within the different environs that exist within our different States.

It is not necessarily for us to say, what is good in your State ought to be implemented in the State of Vermont. Most of the roads outside of the interstate in Vermont are 50 mph, and that suits the State of Vermont, and they should have the responsibility and the accountability for that.

The same was true in my State. I well remember traveling with my wife in the early 1970's through the State of Montana, and the speed was "drive carefully".

Senator SYMMS. Right.

Mr. FARRIS. And you could literally do that in the State of Montana back in the early 1970's. However, if we look at this whole chain of responsibility and accountability, I think it clearly indicates that the police enforcement responsibility for speed limits on our highways is a State responsibility.

Senator SYMMS. I have introduced legislation on that very subject and try to make that point so we don't get too much bureaucracy imposed on the States. That makes the Federal highway program become such a burden to people that they start thinking maybe it isn't necessary, which leads me to my next question.

Back in the 1960's, my late uncle was a commissioner and then chairman of the highway commission in my State. He and I would talk about the road systems and the highways then. He was also my boss. This was not a full-time job that he had.

The promise was that we were going to complete the interstate and then we would get a lot of extra dollars into primary and secondary road systems so we could build the north-south section to link up the interstates. Now, Mr. Pisarski notes in his report for the National Council on Public Works Improvement that one possibility for the post-interstate Federal-aid highway program is to identify new interstate links needed to respond to the national development changes.

That goes back to my question. I would think if we could just get the money, we could build highways like I-95 in Idaho which links interstate 90 with interstate 80 and actually goes from the Oregon border all the way to the Canadian border. So, it is a long stretch of road, 600-plus miles, and we don't really need an interstate, but we need an expressway, because it really links one end of the State to the other.

What is your view on that? When you look at a map, all the States west of the Mississippi are in this situation where they have pretty good east-west interstates.

Mr. FARRIS. But not much north-south.

Senator SYMMS. But nothing north-south to connect people up. So, I would hope you would give that some attention in the next few months here.

Mr. FARRIS. Senator Symms, there is no question that that is a serious concern. Congress acted on that in one particular section in the 1988 continuing resolution where they asked us to participate in a three-State study of an extension of the interstate from Kansas City down to Shreveport which we have just completed, and I will be forwarding it to Congress sometime tomorrow.

I think that is a genuine issue. We are seeing some States trying to address that on their own, but, predominantly, that is occurring only in the eastern part of our country, because of the cost and the

limited population base that you have to work with in the western States.

Economic growth is certainly keyed off of adequate road transportation, and it is a genuine need that is developing in our country from growing communities, in fact, which do not feel they are adequately served by the present transportation system that we have built.

I try to refrain from using the term we are "ending" the interstate. We are ending an interstate era, but we need to look very carefully at what role we ought to be playing to support the kind of an extension that is genuinely needed and genuinely desired by many sections of our country.

Senator SYMMS. Well, if you look at the one road that I am very familiar with, I-95 in Idaho, if you tried to build it to current interstate specs, it would cost so much money that it would make the Century Freeway or others in big cities almost look inexpensive. Not quite, but I mean some of that terrain simply isn't suitable for interstate standards without having tremendous additional cost.

However, an improved road system, an expressway or a three-lane road in many cases, could be really a big improvement, but it does take a commitment to it. I would hope we could complete the interstate that is mapped and then really reevaluate where we are going in 1992 on the rest of the highway system.

I don't know how much money there is to go around, but I find it personally frustrating that we are not keeping our commitment to the trust fund to the American people, and they have won me over. I am ready to move it off budget. I don't want to ask you a question about it, because I realize that is not the Administration's position.

However, I find the accounting system that we use here in Washington gives me a great deal of concern, because it really lacks integrity. We are taxing people for highway use for bridges and roads and one cent for mass transit, but we are not spending the money on it, and we are accumulating a balance, and yet we have these roads like I-95 in Idaho that really do need help and which would really help the economy of all of eastern Washington and eastern Oregon and Idaho in that whole region to improve that road so that the trucks could get back and forth and the automobile traffic.

Mr. FARRIS. For members of the committee, that is a two-lane section that goes up to Idaho and needs to be four lanes. It is a beautiful road.

Senator SYMMS. They like to call it the goat trail out there. It is really much improved over that.

Mr. FARRIS. There is a key issue here that Senator Symms has brought to the forefront. The average daily traffic on that road is very low when you look at it, Senator Moynihan, compared to the roads that would be found in the State of New York. So, if you totally apply all of our resources toward trying to answer urban congestion, as real as that is, you are ignoring some of these developmental needs that exist in some of the other parts of our country that traffic alone would not dictate.

Senator SYMMS. Right.

Mr. FARRIS. That is a good example. I have been on that road, and there is not a lot of traffic on that road, but it is a very important corridor link.

Senator SYMMS. Well, you see, I think I referred to it as I-95. It is actually U.S. 95. If you are coming from Missoula, Montana or Spokane, Washington—all of that entire region from Yakima Valley—that road is a real thoroughfare.

I thank you very much, Mr. Chairman.

Mr. FARRIS. Thank you, Senator.

Senator SYMMS. Thank you.

Senator BURDICK. The Senator from New York.

Senator MOYNIHAN. I-95 is on the East Coast and goes from here to New York.

Senator SYMMS. Yes, I meant U.S. 95.

Senator MOYNIHAN. I have a few questions I would like to give to the Commissioner in writing on some specific questions we had in mind, but I do have a general point and will raise it and just hear what you might want to say.

You were, of course, the first Chairman of the National Council on Public Works Improvement.

Mr. FARRIS. Yes.

Senator MOYNIHAN. And you stepped down when you took this position which I think is sensible to have done; I am familiar with the report. I think you would agree it documents a sustained decline in public works investment, in infrastructure, and we have renamed our subcommittee the Subcommittee on Water Resources, Transportation, and Infrastructure.

A general level of disinvestment is going to have to be addressed, and we are not now doing it. I think we were spending upwards of 4.5 percent of GNP on infrastructure in the 1960's and we are down to 0.4 percent.

Mr. FARRIS. That is correct.

Senator MOYNIHAN. Would you agree that that is disinvesting, that it is using up your capital plant?

Mr. FARRIS. Exactly. The intent of the Council when we first convened was to try to provide the President and the Congress not just necessarily a picture of where we were but to indicate trends and give you the developmental information that you would need to begin to go through this whole difficult process of perhaps relooking at our investment strategies and activities for use, if you please, for strategic planning.

I am afraid we have done little of that in the last few years in regard to our infrastructure. Someone asked me the other day why we feel that our highway system is not a high priority item, and I said you don't miss it until it is gone.

Senator MOYNIHAN. Right. I can attest to that, if I may. The New York City subway system, one of the finest transportation systems in the world; they just stopped maintaining it and did nothing at all until one day it all cracked.

Mr. FARRIS. That is correct. You shut one down, and you will see how important it is.

I used to say that in Tennessee when I would talk about the need of our bridge structures in Tennessee. We have the Great Mississippi River on our western border, and we are dissected in the middle part of our State by the Tennessee River. I said if you want to see the importance of a bridge structure, let me close the major interstate bridge in Memphis which is our link to the whole West Coast.

Go down there and post it at a 10-ton limit and see what kind of impact it would have on our economy.

You lose sight of those kinds of significant elements of our infrastructure and what an important role it plays in keeping us vital as a nation. I do think, Senator Moynihan, you are exactly right. We have allowed that to slip in our sense of priorities.

I hope to play a role in that as I shared with you in your office.

Senator MOYNIHAN. I am going to ask you to do one thing in particular. If you could figure out a way to name a maintenance program for a Member of Congress——

Mr. FARRIS. You are exactly right, and give some glamour to it.

Senator MOYNIHAN. One other question, sir, just to continue our conversation which I very much enjoyed. You do recognize that we are interested in this whole question of magnetic levitation and the possible use of the interstate highway system as the right of way corridor if we are going to move to a new form of transportation beyond the automobile. Would you offer some thoughts on that?

Mr. FARRIS. Well, you know, that is something we have done here in Washington. You see the Metro line following I-66 as it moves west out of Washington. We have used it in Chicago with the Eisenhower Expressway.

That is an issue that is legitimate and ought to be considered. It was raised for our consideration and concern in Florida just recently on their high speed train that they are looking at. We ought to be receptive to those kinds of innovative ideas and approaches.

The only word of caution I would lay on the table is that we are rapidly consuming those medians within our interstate as we begin to add additional lanes. This allows us to proceed with the additional lanes without acquiring any additional rights of way.

If you will notice, a good many of the highways now are constructed with what we term "Jersey barriers" which form the median line, and the median itself is being filled up with concrete and asphalt by adding additional lanes. But there are plenty of rural interstates where you do have medians where excess right of way is available, and I am certainly an advocate of where we can make effective use of that right-of-way, we should.

Senator MOYNIHAN. That is very good. It is going to be a joy to have someone in the job who thinks ahead and knows what he is talking about, and we welcome you and look forward to your confirmation, sir.

Mr. FARRIS. It is nice to be associated with an old Navy man.

Senator BURDICK. Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman.

Mr. Chairman, I believe that the President has chosen very well in recommending Mr. Farris. I had an opportunity to know him casually and know of his reputation when he served in the position in the State of Tennessee, and he was considered to be one of the outstanding transportation professionals among the States.

I have a bias, Mr. Farris. I think State training is good preparation for Federal work.

Mr. FARRIS. I have to agree, Senator.

Senator GRAHAM. Senator Symms has left now, and as he did not, I would not ask you your opinion on the question of whether the transportation trust fund should be moved off budget, but I

would join in the comments made by Senator Symms, not only because I believe that having it consolidated serves the purpose which has caused those who defend it to do so with such ardor, and that is that it masked the severity of our real financial deficit by artificially reducing it to the extent of the transportation surplus as well as the surpluses in the other trust funds.

I also think, specifically as it relates to transportation—and I know this is an area in which both the chairman and Senator Moynihan are interested—when the day comes, and it inevitably will come and I am not a doom sayer in that regard but just an observer of economic history, that we have an economic downturn, this time in the context of a very significant Federal deficit, we are going to be looking around for what we can do to try to give some stimulation to the economy.

It seems to me that one of the things that we ought to be in a position to look to is to use the built up surpluses in the transportation and in the aviation trust funds as part of an accelerated public works program. I would like to put a footnote on that and come back to that in a moment.

As long as we continue to treat these trust funds as part of the consolidated budget, it is going to be, in my opinion, an artificial barrier to what is in very much the economic common sense of the country to do.

Let me go to the footnote, and that is I would hope that you might be thinking in terms of what would be the most economically stimulative ways in which to use the accumulated surplus in the transportation trust fund if, at some point 6, 12, 24, 36 months from now it would be decided that it was appropriate to do so. How could we leverage that money to accomplish the most economic stimulation? That would be a good project for somebody in your agency to undertake.

Mr. FARRIS. Senator Graham, you are right on target. It is a complicated issue, and it does need to be looked at in terms of its total impact on the fiscal operation of our whole monetary structure at the Federal system.

I hope that we can at some point look at that in a more rational fashion. I am presenting, as you know, the Administration's position as I will always do when I come before you and I will carry that message.

I understand exactly what you are saying. We are within the Federal Highway Administration looking at the very issues you just raised so that we are prepared for you at the time when we do need to move forward with ideas and suggestions. I think the American Association of State Highway and Transportation Officials are beginning to do the same thing.

If we don't have some strategic planning here and some strategic thinking, we are not going to be serving the public well as we move out of this current era that is coming to an end and making some tough decisions on where we do need to go with the limited resources we are going to have to work with. The effective use of our dollars is one of the prime concerns we all must have. We are "rifle-shotting" what funds we do have.

We need to try to define as best we can what general benefit can be derived not only for a specific area but for the nation as a

whole. I think that is the role that we ought to try to begin to focus on.

There is an interlink with all of us, but our concerns here ought to be looking at our capacity to produce capital wealth and its application on those necessary items to allow us to continue to effectively compete and grow in this very challenging era that lies ahead of us. We are under some very difficult pressures. We are no longer an isolated area that can consume not only everything that we produced but everything that everybody wanted to sell to us.

I think that era is over. We are now in a highly competitive international marketplace. Mobility is one of the key elements that has sustained us for a long time and served us well. We must not lose that. We must be able to move effectively, economically and socially, around this country in the manner to which we have become accustomed. That is one of the challenges we all face as our system, as Senator Moynihan pointed out, is wearing out.

We have, in fact, used up that investment. We must now make another commitment toward that. I fully support that and look forward to working with this committee in that regard.

Senator GRAHAM. I want to just underscore what I had said and go on briefly to another point, and that is a request that you initiate or review if it has already occurred for its adequacy planning as to how we might use that surplus in the transportation fund if the day were to arrive that we wanted to do so for economic stimulation.

When we looked at this at the State level several years ago, one of our criteria was what would be the most job creating aspect. We came to the conclusion that maintenance projects as opposed to new construction were bigger job creators, that is, that the ratio of dollars expended on people as opposed to materials was greater in maintenance than in new construction.

The problem is that it typically may take longer to get a maintenance project ready to actually go in the field than adding another lane on an existing highway, for instance, in new construction. So, the demands on the planning process and the time to get ahead of the power curve are greater in that area which is the area that we found to be the most economically stimulating.

All of that is just to say that I would appreciate it if you would give some attention to that.

Mr. FARRIS. Thank you, sir.

Senator GRAHAM. You mentioned in our conversation in the office the other day—and I thank you for what was a very helpful meeting for me—that one of your priorities would be to work on the intergovernmental permitting relationship to try to deal with some of the inertia which has made it difficult to move projects.

I want to strongly commend you for identifying that as a priority, and I would like to ask if within that priority you could give some special attention to the issue of right of way and corridor acquisition which, in our fast growth State, we found to be a major source of that delay, and, since the cost of corridor seems to be running substantially ahead of the general rate of inflation, it becomes an extremely costly delay as well as a delay in when the service will be available.

So, your attention to that would be appreciated.

Mr. FARRIS. Well, thank you. You and I shared our thoughts on that, and I appreciate that very much.

Senator GRAHAM. Thank you, Mr. Chairman.

Senator BURDICK. I want to thank you, Mr. Farris, for your testimony. The committee will schedule your nomination for consideration at an early date and will communicate with you as soon as a date is set.

In order to provide sufficient time for additional submissions of material and for members of the committee to submit follow-up questions, the record will remain open for 30 days.

Senator Moynihan, do you have a statement?

Senator MOYNIHAN. Yes, Mr. Chairman.

Mr. Chairman, with respect to that forthcoming meeting—Mr. Farris, this does not pertain to you but is just something I want for the record—at our last business meeting earlier this week, we were to take up the authorization of the new judiciary building for the Supreme Court. That would be, sir, the second building that the United States Congress has been asked to construct for the court in two centuries, just two.

We have had a Chief Justice come before us to ask for this building. As chairman of the subcommittee, I have promised the incumbent Chief Justice that we would go forward. The courts have no capacity to coerce us here, and we are never more on our honor than when we are asked to do something, and how rare—two times in two centuries.

It was taken off the agenda without my knowledge and without my consent for what I believe to have been frivolous accusations that arose from the staff, and I do not understand it. The Senators did not decide to do this; staff decided and on grounds which I find frivolous and unnecessary.

I would hope that at our next meeting, if there are problems, let's bring them out and discuss them as Senators. Not in my tenure on this committee has anything like that happened, and it involves a commitment we have made or I think we have made to the Supreme Court. We don't do that often, twice in two centuries.

At our next business meeting at which we will be able to take up Mr. Farris' nomination, I would hope the first issue would be the judiciary building. If we don't want to do it, fine, we don't have to do it, but it is not to be killed by staff, sir.

Senator BURDICK. I agree with you. I think the building matter should be on the agenda at the next general meeting.

Senator MOYNIHAN. I thank you, Mr. Chairman.

Senator BURDICK. Is there any further business before the committee?

[No response.]

Senator BURDICK. If not, we stand adjourned.

[Whereupon, at 11:03 a.m, the committee adjourned, to reconvene subject to the call of the Chair.]

[Mr. Farris' responses to a committee questionnaire, and replies to additional questions follow:]

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Farris (Last) Robert (First) Earl (Middle)

Position to which nominated: Administrator - FHWA **Date of Nomination:**

Date of birth: 7/3/28 (Day) (Month) (Year) **Place of birth:** Etowah, Tennessee USA

Marital status: M **Full name of spouse:** Dorothy Wright Farris

Name and ages of children:

Julia Ann Farris Seward	37
Robert E. Farris, Jr.	34

Education:

Institution	Dates attended	Degrees received	Dates of degrees
East High School	1942-46	Graduated	
U.S.M.C. Radio/Radar Tech.	1946-47	Completed	
Kennedy School - Harvard	1983	Completed	

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Gillette Company	Asst. Sales Promotion Manager	1952-1960
Swimco, Inc.	President	1960-1981
State of Tenn.- DOT	Commissioner	1981-1986
US DOT - FHWA	Deputy Administrator	1986 - Present

Employment record—Continued

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

USMC - World War II Victory Medal

State of Tennessee Joint Senate/House Resolution

Distinguished Presidents Award - Kiwanis International

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Kiwanis International	Club President	1972
American Red Cross	Nashville Chapter Chairman	1976
American Red Cross	Southeastern Chairman	1977
American Association of State Highway & Transp. Officials	Policy/Executive Board	1981-85
Nashville Area Chamber of Commerce	Retail Board	1979-1981
Rotary Club		1981-85

Page 2 (continued)

Memberships

National Council on Public Works	Chairman	1985-86
Eno Foundation	Member, Board of Consultants	1987-88

Qualifications: **State fully your qualifications to serve in the position to which you have been named.**

My experience includes senior positions in both Federal and State governments as well as in private business as follows.

1) Chief operating officer of my own company for 21 years.

2) Selected by Governor Alexander as CEO of the Tennessee Department of Transportation, an agency consisting of 5200 employees and an annual budget of $600 million. Served for 4½ years.

3) For the past 1½ years I have served as Deputy Administrator of the Federal Highway Administration.

Future employment relationships:

1. **Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.**

I am no longer active in my business and receive no income from it although I still retain ownership.

2. **As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.**

My current intention is to return to my own company when I leave Government service.

3. **Has anybody made a commitment to you for a job after you leave government?**

No

4. **(a) If you have been appointed for a fixed term, do you expect to serve the full term?**

Not applicable

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Currently serving as Deputy Administrator of the Federal Highway Administration and nominated by the President to become the Administrator.

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

No income from my business holdings. Interest income only from bank CD's and limited partnership holding in real estate as shown on attached Form SF-278, Schedule A.

3. Are any assets pledged? (Add schedule).

One CD pledged to secure business loan to Swimco, Inc. as shown on attached Form SF-278, Schedule C.

4. Are you currently a party to any legal action?

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes, no findings.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

Over the years, my company has sold swimming equipment to military bases and the service academies.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

I do not see any relationship or potential conflict of interest to the above activities and the Federal Highway Administration. If they developed, however I would cease the sales activities.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I will fully comply with all conflicts of interest laws and regulations and will seek legal counsel whenever appropriate. A statement by the Department of Transportation's Designated Agency Ethics Official is attached.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Chairman, Tennessee Statesman. This is an organization of approximately 100 Tennesseans that contribute $1,200 each year to the State Republican Party.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

No books or articles have been written. Over the years, however, I have delivered many speeches on transportation matters.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

I was appointed by the President to the National Council on Public Works Improvements and was its first Chairman.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No

AFFIDAVIT

District of Columbia) ss. being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees, including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 29 day of February, 1988

James A. Bloom
Notary Public

My Commission Expires [illegible]

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

OFFICE OF
THE ADMINISTRATOR

April 11, 1988

IN REPLY REFER TO:

The Honorable Quentin N. Burdick
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

Pursuant to your letter of April 5, 1988, I am pleased to submit answers to the Committee's written questions as a follow-up to the March 31 hearing concerning my confirmation as Federal Highway Administrator.

Please contact me if I can provide any further information on this matter for the Committee.

Sincerely yours,

Robert E. Farris
Deputy Administrator

Enclosure

cc:
The Honorable Robert T. Stafford

SENATOR BURDICK

QUESTION NO. 1

Please list the major highway issues you see at present.

ANSWER

The most important highway issue at this time is the broad question of the role of the Federal Government in the post-Interstate era. After careful examination, a framework for a future program should be established. FHWA is taking a strategic look at the issues, trends, technology, and program options that will ultimately impact highways in the future. We are looking especially at several areas that are of particular concern: preservation of the Interstate System through the Interstate 4R program; provision of expanded access to highways in our rural areas where development is expected to occur, and, of course, urban congestion.

In addition to these broad policy issues, we face the Administration challenge of using our limited resources as effectively as possible.

04/07/88
HPP-24

SENATOR BURDICK

QUESTION NO. 2

What will be your priorities as Federal Highway Administrator, and how would you describe your approach to management at the agency?

ANSWER

We continue to emphasize expedited implementation of the Surface Transportation and Uniform Relocation Assistance Act. Our emphasis areas for FY 1989 include completion of the Interstate System and increased attention to highway and motor carrier safety. In addition I want to emphasize quality design and construction in the 3R and 4R areas. Of prime importance of course is the efficient and effective use of the resources made available to us.

My management approach will be to focus my energies on exploring solutions to our country's vital highway transportation needs in a post-Interstate era while relying heavily on FHWA professional staff to continue to administer our program responsibilities. I am an advocate of delegation with oversight. Set policy, give directions, delegate responsibility for action and establish accountability. I further believe that I should be the principal spokesman and advocate for our agency and our Nation's Road Transportation Systems.

04/07/88
HPP-24

SENATOR BURDICK

QUESTION NO. 3

Please list your accomplishments as Deputy Administrator over the past 1 1/2 years.

ANSWER

A major accomplishment has been the effective implementation of the Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987. The following represents significant milestones in program development and administration during the past year:

- A total of $12.9 billion was obligated in FY 1987, including the full $12.35 billion that was subject to the Federal-aid obligation ceiling.
- At the end of FY 1987, the total Interstate mileage open to traffic was 41,787 with 167 miles having been opened during the year.
- An interim final rule was published, December 1987, putting into place increased relocation benefit payment levels resulting from amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act by the STURAA. In its role as lead agency, FHWA has met with other Federal agencies to devise an implementation strategy for developing the single lead agency regulation in lieu of 17 individual regulations.
- On August 28, 1987, the FHWA issued joint comprehensive revisions to the environmental impact procedure regulations with the Urban Mass Transportation Administration. The revisions were a direct result of the President's regulatory reduction efforts begun in 1981. Under the revised regulation, highway and transit grant applicants will have greater flexibility in meeting Federal environmental requirements.
- The FHWA established an interagency work group in September 1985 to examine the coordination and cooperation necessary when Federal-aid

highway projects require permits under Section 404 of the Clean Water Act. On September 28, 1987, the work group issued a draft Section 404 Guidance Document that establishes techniques to improve the permit process for highway projects.

- The FHWA developed a national pavement policy and a detailed supporting chapter for the Federal-Aid Highway Program Manual which set forth FHWA's policies and practices on selecting, designing, and managing Federal-aid highway pavements in a cost-effective manner.
- On June 1, 1987, a final rule was issued making it illegal for commercial motor vehicle operators to have more than one license after July 1, 1987. Work also began with the States to enforce the new law, and by the end of 1987, some 30,000 commercial drivers' licenses had been voluntarily turned in to the States of issuance. During FY 1987, proposed minimum testing and licensing standards for States to implement when licensing interstate and intrastate commercial truck and bus drivers were developed.
- During FY 1987, with 48 States and 4 territories actively participating in Motor Carrier Safety Assistance Program (MCSAP), approximately 1 million driver and vehicle inspections were completed by MCSAP personnel.
- In FY 1987, the FHWA conducted approximately 20,000 safety reviews and 3,500 compliance reviews. In addition, approximately 785 complaints were investigated and enforcement action was taken against 800 carriers. The FHWA completed training an additional 150 motor carrier safety specialists to help carry out the important task of rating all motor carriers.

Senator Burdick

QUESTION NO. 4

If confirmed as Administrator, will you be willing to appear before this Committee and other Congressional Committees?

ANSWER

You can be assured that I will make myself available to this Committee as well as any other Congressional Committee. I believe that the committee is entitled to the presence of our highly capable and experienced technical experts when necessary, therefore, it will be my policy to bring technical witnesses with me when necessary.

My record in the State of Tennessee will show that my practice as Commissioner of the Tennessee Department of Transportation was to personally handle every hearing with the Legislature. I intend to continue that practice to the extent possible.

If for any compelling reason I am unable to resolve scheduling conflicts I assure the Committee that I will provide the Deputy Federal Highway Administrator or the Executive Director so that the Committee will have the benefit of a "policy" official.

April 7, 1988
HCC-10

Senator Burdick

QUESTION NO. 5

I appreciate the steps you have taken in recent weeks to improve on the procedures FHWA uses to notify Congress of significant actions by the agency. In addition, I would like to stress the importance of having FHWA notify relevant Committees, such as the Committee on Environment and Public Works, of important publications, research findings, rule-making activities, and other matters of jurisdictional interest. As soon as such information becomes available, will you see that it is furnished to this Committee?

ANSWER

I am establishing a system which will hopefully avoid the release of any correspondence or other significant materials or information which warrant the attention of various Members of Congress before release to the public. I have asked key personnel with the Federal Highway Administration to be acutely alert to the needs of Members, Committees, and staff with respect to publications, research findings, rulemakings, and other matters of jurisdictional interest as requested, to assure that such needs are met.

Occasionally, there are breakdowns in communications due to the large number of offices and modes involved in various issues and the need to coordinate many policy issues within the Department and with the Office of Management and Budget. We are all attempting to improve these coordination practices. Just recently, representatives of FHWA met with NHTSA staff to work out a fail-safe coordination procedure between the two of us. The size of the Department and the modes presents special problems but I intend to make good communications one of our priorities.

April 8, 1988
HCC-10

SENATOR BURDICK

QUESTION NO. 6

There continues to be some discussion of the need for a highway technical amendments bill. What is your view of the need for such legislation?

ANSWER

I do not feel that there is any need for technical amendments to the Surface Transportation and Uniform Relocation Assistance Act of 1987. We have been implementing its provisions successfully since enactment. Any necessary interpretations of the statutes have been consistent with congressional intent as expressed in the Act's legislative history.

04/07/88
HPP-24

Senator Burdick

QUESTION NO. 7

Please give us your views on S. 747, legislation to create a separate Motor Carrier Administration within the Department of Transportation.

ANSWER

We oppose the creation of a separate administration. The ultimate objective of its proponents is that the motor carrier industry should receive a high level of attention at the Department. This is occurring now. Motor carrier initiatives will continue to be a high priority for the Secretary and the Federal Highway Administrator, and the sole priority of the FHWA Associate Administrator for Motor Carriers.

The transition to a new, separate administration could divert resources and distract the attention of staff who currently manage the motor carrier transportation program and could thereby delay important safety initiatives.

We believe there are significant advantages to keeping the motor carrier transportation program under FHWA as follows:

- It develops and strengthens the tie between the motor carrier industry and the highway managers of this country
- It continues to build upon the traditional Federal/State relationship as we have done with the MCSAP and CDL Programs.
- A separate motor carrier administration could never mirror the field organization of FHWA with offices in each State capital and major cities.
- The Highway Trust Fund provides a stable, continuous source of funding for the motor carrier transportation program.

SENATOR BURDICK

QUESTION NO. 8

The Advisory Committee on Intergovernmental Relations has completed a draft report on the subject of turnback of the Federal-aid highway program to the States. It has been reported that many of the State and local highway officials interviewed for the study were unenthusiastic about the concept of turnback. The Administration continues to promote turnback, but how do you address the concerns expressed by State and local officials?

For example, AASHTO has listed the following factors that they believe need to be part of any consideration of turnback:

- Assurance that a national network of high quality highways will continue to be developed and maintained, to support the Nation's commerce.
- Concern that some State legislatures could be persuaded not to utilize the turnback authority for highway purposes or to utilize lower than acceptable standards, thereby doing damage to the highway system.
- Concern by local governments and others within the States there might not be an equitable distribution of funding resulting from a turnback.
- Concern by small States with limited resources about raising sufficient revenue to adequately sustain their highway programs.

ANSWER

As we attempt to determine the appropriate Federal role in the future national highway program, one of the program options that will be given serious consideration is a turnback of certain existing Federal-aid highway program categories. It is recognized that there will not be universal support for this concept for a variety of reasons. Any program change that alters the present distribution of Federal-aid funding will meet with some resistance. However, as Secretary of Transportation Burnley has indicated, we are committed to opening a dialogue with State and local officials and with the Congress to address the proper role of each level of government in meeting particular highway needs. I believe we should be willing to explore many new directions and ideas as together we search for a new National Transportation Policy.

With respect to concerns expressed by State and local officials, the Secretary has made the following points:

(a) the successful Federal/State relationship has been based on State ownership of the roadways, State responsibility for construction and maintenance and, most important of all, State initiation of highway projects;

(b) the States now have developed strong, competent highway organizations with the technical and administrative ability to manage their own programs;

(c) some surface transportation decisions are being influenced to some extent by "political muscle" and not by proper planning;

(d) a lot of federally-imposed costs may be eliminated if the States had more control over their surface transportation programs.

The issues raised by AASHTO as well as others, will be examined very carefully by the Department in looking at a post-Interstate program.

04/07/88
HPP-21

SENATOR BURDICK

QUESTION NO. 9

Roads off of the Federal-aid highway system comprise almost 30 percent of the route miles in the nation. In its report, "problems in Financing and Managing Smaller Public Works," the National Council on Public Works Improvement states that this network of roads feeds the Federal-aid system, and its maintainance is of vital importance to our nation's economy in moving agricultural and other essential commodities. What are your plans to help maintain and improve off-system roads?

ANSWER

Roads off the Federal-aid highway system are mostly local roads used to provide access to homes and farms. In urban areas they are often built by private developers who are subdividing large tracts of land. They are designed to carry only the lightest volumes of traffic. If the character of a local road changes, the State or local jurisdiction may upgrade its functional classification and make it eligible for Federal aid. In addition, any deficient bridge on these non-Federal aid routes can receive Federal-aid bridge funding for repairs.

As to the future, I believe that Federal-aid funds should be used to maintain the operating performance on the higher type most heavily traveled facilities and that the improvement of the local streets and roads should be the responsibility of State and local governmental agencies.

04/07/88

HPP-22

SENATOR BURDICK

QUESTION NO. 10

In its recent report, the National Council on Public Works Improvement gave our highways a grade of C+ and recommended that there be an increase in spending from the Highway Trust Fund of up to $2 billion per year. What is your view of that recommendation?

ANSWER

Our current and proposed Federal-aid funding, combined with State and local highway investment, provides sufficient funds to meet the critical needs on systems of greatest significance to the national economy and defense. The proposed level of funding is sufficient to maintain current levels of pavement condition and meet critical bridge needs.

This funding level proposed in our FY 1989 budget was established as part of a government-wide effort to reduce the Federal deficit in order to avoid further reductions that would take place in 1989 if Gramm-Rudman targets are not met. Once the deficit problems are resolved, and we look to our new post-Interstate program, it is then that we must face this funding challenge--not just at the national level, but at every level of government and the private sector as well. It will take a combination of solutions to meet our transportation needs of the future.

04/07/88
HPP-24

SENATOR BURDICK

QUESTION NO. 11

The Transportation Research Board of the National Academy of Sciences has underway an important study mandated by Congress on reasonable access and other trucking issues. Please describe FHWA's involvement with the TRB study and the status of DOT's rulemaking activities on reasonable access.

ANSWER

FHWA's involvement with the TRB study is carefully circumscribed to maintain the objectivity of the study. FHWA is providing funds for the study under a cooperative agreement and has provided one of the liaison representatives. The liaison provides resources to the study committees, on request, and attends open sessions of study committee meetings.

FHWA has provided substantial background information and data to study staff and has presented overviews of history and issues to the TRB committees. Any docket comments from a pending notice of proposed rulemaking (NPRM) on reasonable access will be sent immediately to TRB. The pending NPRM is currently under review by the Office of the Secretary prior to transmittal for OMB clearance. Comments received in May 1987 on an advance NPRM on reasonable access were used in preparing the pending NPRM and were provided to TRB when the conference committee on DOT 1988 appropriations established an accelerated study schedule.

(4-8-88)
(HPN-12)

SENATOR BURDICK

QUESTION NO. 12

Both you and Secretary Burnley have stated that it is important for a final rule on reasonable access to be issued because the motor carrier industry has not received the access promised in the Surface Transportation Assistance Act of 1982. Please describe how FHWA has tried to balance safety and other concerns of State and local governments with the interests of the trucking industry?

ANSWER

As you know, FHWA has enjoyed many decades of constructive partnership with States and local governments in providing for fast, safe and efficient highway transportation. We have made major strides in recent years toward a similar relationship with the trucking industry in improving the productivity of goods movement over our highways.

When reasonable access from a National Network for trucks was included in our 1984 regulation, we relied on demonstrated prior State and local cooperation to provide the necessary access where the conditions of their highway systems would allow. Reasonable access has been provided in most States through State and industry negotiation.

We agree with the industry and a number of the States that some problems remain and minimum access Federal guidelines must be seriously considered. We believe such guidance can be established without compromising highway safety, and we have drafted a notice of proposed rulemaking to that end for public comment.

(4-8-88)
(HPN-12)

SENATOR BURDICK

QUESTION NO. 13

Please discuss Public Lands Highways funding for fiscal year 1989, and the factors you will use in reviewing the PLH candidates.

ANSWER

The Public Lands Highways program is a popular part of the Federal Lands Highways program. The 1987 Federal-aid Highway Act provided for a $40 million annual program. Each summer the States prepare candidate projects for submission. Last year we received 61 projects from 35 States. They asked for a total of $138 million.

Each project is checked to make sure it is on the Federal-aid system and is bordered on both sides by Federal lands. Projects which significantly enhance Federal land and resource management activities are given preference to comply with the 1982 STAA and the relationship of the project to the development of a complete highway section is considered. The usefulness of the projects in terms of enhancing access for socio-economic purposes is considered. Safety and capacity benefits are important criteria and bridge replacement and reconstruction needs are given special consideration. Allocations cannot perfectly correspond to apparent criteria such as percent of Public Lands area, previous allocations or need for the project given the desirability of providing a balanced distribution with the limited choice of candidate projects. However, every effort is made to identify where allocations should go to best satisfy actual Public Lands needs. Although the program is discretionary in nature, previous funding establishes a demand but not a commitment to continue funding to completion. Of course, Congressional support is considered.

SENATOR BURDICK

QUESTION NO. 14

In October 1987, former-Administrator Barnhart issued a memorandum on implementation of the Indian employment preference provision contained in the 1987 highway act. Please describe FHWA's ongoing efforts in this area and any other actions currently underway to achieve the desired coordination among States, tribes, and FHWA.

ANSWER

The FHWA Regional Offices have transmitted Indian employment preference policy to the FHWA Division Offices for implementation. The Division Offices have worked with the States to develop contract provisions to effectively implement this policy. The States have been instructed to meet with tribal representatives and identify employment opportunities in advance on appropriate Federal-aid projects. (An example of this activity is the recently received South Dakota Department of Transportation document entitled "Specific Provision Regarding Indian Employment Preference" which outlines the State's Indian Preference Provisions.) The State and tribal representatives should determine reasonable overall employment goals for Indians, establish clearly the acceptable requirements which can be used to achieve such goals, and make them an integral part of contract and proposal documents. FHWA plans on continual refinement of the program, giving the States latitude to resolve issues as they arise.

In an attempt to coordinate efforts with tribes, FHWA representatives have participated in Tribal Employment Rights Office (TERO) Conferences, and recently had TERO representatives speak at a FHWA National Civil Rights Conference. FHWA representatives have been invited to participate in a Soutnwest TERO Conference in Phoenix, Arizona, May 3-5, 1988.

April 7, 1988
HCR-10

Senator Burdick

Question No. 15

Please describe the situation on the Dan Ryan Expressway reconstruction project in Chicago with respect to Disadvantaged Business Enterprise participation.

Answer

Dan Ryan Expressway

- The Illinois Department of Transportation (IDOT) recently awarded two major construction contracts on the Dan Ryan Expressway which provide for the rehabilitation of the approach roadways and half of the 2-mile long structure. Both contracts contain 15 percent DBE goals.

- The approach roadway contract was awarded to Madden Construction Company for approximately $30 million. Madden listed four subcontractors on the DBE utilization form as follows:

FIRM	VALUE	ETHNIC GROUP
Polnex Constr.	$1,628,977	Hispanic
Aid-Cass Elec.	1,124,443	Black
PAL Industries	632,409	Women
Mege Steel Corp.	629,914	Women

- The structure rehabilitation contract was awarded to Walsh Construction Company for approximately $52 million. Walsh listed these five subcontractors on the DBE utilization form.

FIRM	VALUE	ETHNIC GROUP
Castle Const. Corp.	$1,733,200	Women
PAL Industries	900,297	Women
O'Leary Construction	500,000	Women
S&J Construction	4,695,486	Women
Guerra Construction	1,011,890	Hispanic

- Initial work began on both projects on March 1, 1988, and is scheduled to be completed by November 1, 1988.

- Chicago Mayor Eugene Sawyer and other black political leaders have attacked the IDOT for permitting companies owned by women to capture most of the DBE contracts. IDOT agreed to the following:

  - Use the services of DRIVE (a black coalition group) to provide assistance in minority hiring and DBE utilization.

  - Increase minority hiring goals from the contract goal of 19.7 and 6.5 percent women as follows:

Unskilled Laborers	46% Black 10% Hispanic 10% Women
Skilled Trades	25% Black 10% Hispanic 10% Women

- IDOT and the Unions have agreed that all hiring for the Dan Ryan projects will be through the Chicago Urban League.

- IDOT agreed to request the prime contractors to increase their black subcontractor utilization. Madden has added four subcontractors at a cost of $2.07 million. Walsh has added one DBE firm (a joint venture) at a cost of $194,000.

Senator Burdick

QUESTION NO. 16

Please describe the status of the resolution process for the three States notified in early March of non-compliance with the 55 mph national speed limit.

ANSWER

When informed of the States' apparent noncompliance with 23 U.S.C. 154(f) for fiscal year (FY) 1987, the Governor of each of the three States (California, New York, and North Dakota) was offered the choice of requesting a show-cause hearing on the matter or a meeting to discuss informal resolution. Each State has now chosen to pursue informal resolution which involves a meeting of designated officials from FHWA, NHTSA and the State. North Dakota's meeting has been scheduled for May 25 in Bismarck. The place and time for the meetings involving California and New York are yet to be determined.

SENATOR BURDICK

QUESTION NO. 17

Last month Secretary Burnley announced that the 1987 U.S. traffic fatality rate was the lowest in history. A National Highway Traffic Safety Administration study released in December 1987 appeared to show increases in fatalities. What, in fact, does the 1987 data show and are there any findings yet as to the impact of the increase in the national maximum speed limit from 55 mph to 65 mph?

ANSWER

The 1987 traffic fatality rate is estimated at 2.4 fatalities per 100 million vehicle miles of travel--the lowest in history. The National Highway Traffic Safety Administration data showing increases in fatalities was limited to rural Interstate highways which are the scene for only about 5 percent of the total traffic fatalities. When total highway fatalities and vehicle miles of travel were analyzed, the increase in rural Interstate fatalities was more than offset by accident reductions on other road systems.

It is still too early to tell the long term impact on fatalities due to speed limit increases on rural Interstate highways. However, in 1987 the changes in speed limit did not significantly affect total fatalities.

April 8, 1988
HHS-1

Senator Burdick

QUESTION NO. 18

Have you had an opportunity to review draft legislation being developed by Senator Symms to make changes in the speed limit law, if so, please comment.

ANSWER

The proposal being developed by Senator Symms would make two key changes to the current statute. First, in all likelihood, speed monitoring and enforcement data would be required from highways posted at 60 or 65 mph. Second, the speed limit compliance requirement would be repealed. The first point has the potential of adding a significant recordkeeping and reporting burden on the States, while the second point may be viewed as a favorable action by most States.

Even with repeal of the compliance requirement, Senator Symms' proposal still contains, however, the potential for a subjective finding that a State is not enforcing the appropriate speed limits. This would only serve to foster a confrontational atmosphere between a State and the Federal Government over an issue ultimately involving the safety of the driving public.

The Department has recommended reforming the Federal speed limit law to retain the States' annual certification that no public highway is posted at speeds in excess of the congressional limits, but repealing the compliance criteria, the sanctions for noncompliance, and Federally mandated monitoring and reporting requirements.

April 7, 1988
RTO-31

SENATOR BURDICK

QUESTION NO. 19

According to a recent study conducted by the Texas Transportation Institute, highway construction costs can be cut if contracts include bonus payments for early completion, What is your view on offering such incentives, and what do you think their potential is for savings?

ANSWER

The use of incentives does not reduce construction costs but has proven beneficial on critical projects where early completion results in road user cost savings. The savings to the road user consists of reduced delay times and reduced vehicle operating costs and increased safety. Minor savings may also be achieved through reduced construction engineering costs.

We support incentives on those projects that are critical and have significant potential for road user cost savings. The amount of incentive payment per day for a specific project should be established based on the amount of daily road user cost savings that can be realized by early completion. The offering of incentives has encouraged contractors to make extra effort to complete projects early by locating suppliers who meet early delivery dates, developing new sequences of work, increasing the number of work crews, working extra shifts, using innovative techniques or adding equipment.

Federal-aid projects which include incentive provisions for early completion must also include disincentives for exceeding the scheduled completion date. Also, while Federal regulations permit incentive/disincentive clauses in Federal-aid projects, some States do not use them because of State legislation which prohibits incentive payments for early completion.

04/07/88
HHO-32

SENATOR BURDICK

QUESTION NO. 20

Please comment on an FHWA study that concludes that "the most untapped source for fostering innovative technology" is cooperation between designers and contractors before a plan for a highway project is made final.

ANSWER

This quotation is derived from a working paper developed under FHWA's study of the Future National Highway Program - 1991 and Beyond. The working paper and the other 18 papers were developed to stimulate thoughts and discussion to assist in the definition of future highway program needs and structure. They do not represent policy, but rather areas for further discussion and study. Current requirements for competitive bidding would virtually preclude open involvement of contractors in the design of projects.

However, under the study conclusion if contractors were allowed to become involved in a project design, innovation could be encouraged by the contractors profit incentive. If, for example, a design/construct contract was let for a segment of highway from point A to point B and the standards for designing the project were included as a requirement in the contract, the construction industry would then be afforded the freedom to apply the best of innovative thinking in the design and execution of the project - this would be an incentive for encouragement of innovation.

Such a process would provide for the best of the designer's capabilities and the best of the contractor's resources and experience. Additionally, this approach should also bring about greater use of "performance specifications" which could further encourage innovation in design and construction of highway projects.

Senator Burdick

QUESTION NO. 21

You mention in your statement "R&D that might best be done by the Federal government." Please expand on the kinds of highway R&D activity you would like to initiate.

ANSWER

The Federal Highway Administration's (FHWA) highway research and development (R&D) efforts should strike a balance between applied research and basic research. The work in these areas should be focused on research needs which are national in scope. The FHWA research program should involve a search for more durable materials; more efficient, quality-controlled construction practices; more economical designs; and more reliable operations of the highway system. The goal of FHWA's highway research and development efforts should be to improve the overall efficiency and safety of the nation's highway system.

SENATOR BURDICK

QUESTION NO. 22

Mr. Barnhart placed a high priority on international programs. What are your plans for those programs?

ANSWER

Our International Highway Program has three goals:

1. To capitalize on U.S. strengths in highway technology by sharing with all interested foreign governments our wealth of experience.
2. To support the U.S. private sector's exports of highway-related goods and services.
3. To derive maximum benefit from international cooperation in highway research.

I intend to fully support the long-standing FHWA commitment to sharing U.S. technology with the world. We can help U.S exports by calling attention to U.S. expertise in international meetings and by offering to governments reimbursable assistance that ties in with U.S. firms' proposals. If the U.S. is to avoid falling behind in highway technology, we have to raise the awareness of the U.S. highway community about innovations overseas and increase our efforts to access them. In this regard, I intend to work to upgrade our membership in the Permanent International Association of Road Congresses (PIARC) so that we may have a vote in establishing its policies and priorities. I am further committed to participating more actively in PIARC's and other international organizations' technical activities.

4/7/88
HPI-10

SENATOR BURDICK

QUESTION NO. 23

Please describe FHWA's Futures Program. In particular, tell us which projects are completed and which ones you plan to undertake between now and the end of the year. Where would you like to see the Federal Highway Administration and the highway program itself heading in the 1990s?

ANSWER

FHWA's Futures program reflects the need to carefully examine the Federal role in the post-Interstate completion era and our desire to establish a framework well in advance of the next major congressional consideration of the highway program. In order to accomplish this, a task force of senior FHWA managers has been appointed to take a strategic look at the broad trends and technological developments that will ultimately affect our highways in the future. The task force effort is designed to address issues such as long-term trends in economic activity and demographics, and their potential impact on passenger and freight trave.. We are also investigating technology advances that could alter future travel. Working papers addressing some of these topics have been completed and released to interested parties such as AASHTO. During the balance of 1988 we will continue the task force effort by assessing future highway investment requirements to meet projected levels of travel demand. We hope to have a final report with potential program options available early in 1989.

Personally, I have pledged to explore new and innovative directions for the Federal-aid highway program in the 1990's. I believe there is still a role for FHWA and I want to work with the Congress in determining what that next role ought to be.

04/07/88
HPP-20

SENATOR MOYNIHAN

QUESTION

The Transportation Research Board is presently conducting a study regarding the regulation of specialized haulers that was commissioned as apart of the 1987 Highway Bill, Could you provide me with an update on FHWA's involvement in this project as well as its progress to date.

ANSWER

FHWA's involvement with the TRB study is carefully circumscribed to maintain the objectivity of the study. FHWA is providing funds for the study under a cooperative agreement and has provided one of the liaison representatives. The liaison provides resources to the study committees, on request, and attends open sessions of study committee meetings.

FHWA has provided substantial background information and data to study staff and has presented overviews of history and issues to the TRB committees. Any docket comments from a pending notice of proposed rulemaking (NPRM) on reasonable access will be sent immediately to TRB. The pending NPRM is currently under review by the Office of the Secretary prior to transmittal for OMB clearance. Comments received in May 1987 on an advance NPRM on reasonable access were used in preparing the pending NPRM and were provided to TRB when the conference committee on DOT 1988 appropriations established an accelerated study schedule.

(4-8-88)
(HPN-12)

SENATOR STAFFORD

QUESTION NO. 1

What is your vision for the Federal-aid highway program once the Interstate System is completed. What role does the Federal government play in that vision?

ANSWER

Recognizing that the role of the Federal Government in the post-Interstate completion era needs to be carefully examined and that a framework for a future program should be established, the Federal Highway Administration is taking a strategic look at the issues, trends, technology, and program options that will ultimately impact highways in the future.

A series of 19 working papers are being produced by a specially appointed Task Force to provide input to Federal policymakers for framing recommended Federal highway program options. We anticipate a final report to be ready in early 1989.

Personally, I have pledged to explore new and innovative directions for the Federal-aid highway program in the 1990's. I believe there is still a role for FHWA and I want to work with the Congress in determining what that next role ought to be.

04/06/88
HPP-24

SENATOR STAFFORD

QUESTION NO. 2

How would you characterize the similarities and the differences in transportation needs of rural and urban areas?

ANSWER

In terms of capital investment requirements, rural area needs, in general, are more pavement related while urban area needs are more capacity related. This comparison reflects the distribution of travel demand, which is more heavily weighed towards urban areas, and the distribution of miles of highway, which is weighed more towards rural areas.

In terms of type and quality of transportation service, urban areas generally offer a greater variety of service and transportation options, while rural areas often depend on fewer types of service or facilities. As a result, urban areas may be more concerned with levels of service provided while rural areas may be more concerned with accessibility. For this reason, a bridge closure, uncompleted gap, or physical deterioration may be considered priority concerns in rural areas, while deteriorating service may be viewed with greater concern in urban areas.

04/06/88
MPP-24

Senator Stafford

QUESTION No. 4

How can existing transportation facilities be used more effectively?

ANSWER:

Traffic congestion is perhaps the No. 1 problem in most of our urban areas. Faced with limited funding and a barrage of restrictions, it is difficult to add significant capacity to our street and highway network. Instead we must more effectively use the existing facilities. There are technologies and strategies existing which could do this, such as implementing traffic operations improvements for the arterial street and highway system to increase capacity and smooth traffic flow; reduction of vehicle demand and increase of people movement; and better management of freeway operations to maintain traffic flow. We now have underway research efforts aimed at demand management as well as operation management.

HTO-34

4-6-88

Senator Stafford

QUESTION NO. 3

How do you plan to protect our environment resources while meeting the country's transportation needs?

ANSWER

The various environmental statutes enacted over the last 20 years have provided important protection and essential management controls to our Nation's vital natural resources. As a Federal agency, I believe the Federal Highway Administration (FHWA) actively promotes both the spirit and letter of these laws in all its actions and programs. We assure compliance with these statutes through our approval of the various highway development activities conducted by the State highway agencies.

Our Nation's highway needs can be met while we protect our environment, if we are able to make sure that the need for both is being considered in the development process of a project. I pledge to be sensitive to environmental concerns.

4/5/88
HEV-12

SENATOR STAFFORD

QUESTION NO.5

Are there ways in which highway and transit facilities can be better coordinated?

ANSWER

The joint transportation planning regulation issued by FHWA and UMTA in 1983 implementing the requirements of 23 USC 134, "Transportation Planning in Certain Urban Areas", provides for the coordinated planning of highway and transit facilities. With the requirement for a transportation improvement program approved by the metropolitan planning organization, we have a mechanism for coordinating highway and transit project priorities.

I pledge to continue to support the urban planning process to ensure that highway and transit projects are properly coordinated.

QUESTION NO. 6

Where do you see the priorities of the Federal-aid highway program falling within the total transportation program?

ANSWER

We recognize that the various transportation modes complement each other and are all needed to form a complete transportation picture in this country. Currently, a great deal of attention is being given to aviation safety, but safety is not being ignored in the other modes, and especially not in the highway mode, where we are striving to reduce the tens of thousands of highway deaths each year. We also have not forgotten the tremendous investment that has been made in our highway systems or the fact that the vast majority of travel in this country, including public transportation on rubber tires is by highway and that travel is expected to continue growing. As we approach the end of the Interstate construction era, we will be assessing future highway program options.

Senator Stafford

QUESTION NO. 7

One of the Federal Highway Administration's responsibilities is enforcing the Highway Beautification Act. How do you intend to make sure that this Act is being enforced? What personnel resources are available at the headquarters, regional, and district level for this program and its enforcement? How many person hours are spent on this program per year?

ANSWER

The Federal Highway Administration's responsibility under the Highway Beautification Act is, principally, to ascertain that each State has made provision for the effective control of outdoor advertising along the Interstate and primary highway systems. This has been done, and will continue to be done by monitoring the control programs in the States to the extent possible and practicable with the FHWA's personnel resource.

The Federal Highway Administration has personnel in the headquarters, regional, and divisonal offices with Highway Beautification Act assignments as part of their total responsibilities. Because of the multiplicity of these total responsibilities, and their interrelationships, we cannot identify the person hours spent on this program for any given year. However, we would estimate that the headquarters office typically spends approximately 4000-5000 person hours annually.

Senator Stafford

Question No. 8

The 1987 Highway Act made Women Business Enterprises eligible for the Disadvantaged Business Enterprise Program. What percentage of contracts nationwide have gone to WBE's? How does this percentage compare with the year previous to the change in law? What kind of statistical information do you believe the Federal Highway Administration (FHWA) should collect with regard to this program?

Answer

In fiscal year 1987, WBE's received 3.3 percent of the Federal-aid prime contract awards and subcontract commitments compared to 3.0 percent in fiscal year 1986. It may be too early to get a realistic comparison of the impact of the 1987 Highway Act on WBE participation in the Federal-aid highway program since the Act was passed in April 1987 which was halfway through our fiscal year.

The FHWA is collecting the same statistical data that it collected prior to the passage of the 1987 Highway Act, i.e., keeping track of ethnic minority data and women-owned business data separately. We simply add the WBE data to the ethnic minority data to determine the total DBE participation as required by the Act. This process is relatively simple and we believe it gives us a very good indication of the ethnic minorities and women-owned businesses participating in the Federal-aid program.

April 5, 1988
HCR-30

SENATOR STAFFORD

QUESTION NO. 9

What is the responsibility of the Federal Highway Administration in preserving historic landmarks and bridges in this country?

ANSWER

In compliance with Section 106 of the National Historic Preservation Act (NHPA), the Federal Highway Administration (FHWA) must take into account the effect of all federally assisted projects which affect those resources which are on or eligible for the National Register (NR) of Historic Places. The NR includes national historic landmarks and those bridges which meet the criteria for listing. In addition, the FHWA must provide an opportunity for comment by the Advisory Council on Historic Preservation (ACHP) whenever these resources are affected. Every reasonable effort is made to minimize those unavoidable adverse effects.

The Surface Transportation Uniform Relocation Assistance Act (STURAA) requires inventory of historic bridges on and off system. Twenty-seven States have completed their inventory and 17 have published their findings. The remainder of the States have initiated their inventories and expect to complete them in the next few years.

The STURAA requires that, prior to demolition, States make historic bridges available for donation to a State, locality, or responsible private entity for preservation. The FHWA has accordingly expanded our previous efforts to market historic bridges.

4-8-88
HEV-20

SENATOR STAFFORD

QUESTION NO.10

In your testimony, you state that Secretary Burnley called for elimination of extraneous Federal requirements. Which Federal requirements do you believe Mr. Burnley is referring to? Do you believe there are extraneous Federal requirements placed on the highway program? If so, please state what specific requirements you believe are extraneous.

ANSWER

Secretary Burnley has cited elimination of costly and extraneous Federal requirements as an advantage of various turnback proposals. In a speech to the U.S. Conference of Mayors on January 22, he stated that:

> Increased state authority and flexibility would mean greater fairness among states. Each state could use its funds to build the projects that have the most merit and the highest priority. Costly and extraneous federal requirements now imposed on the use of funds could be virtually eliminated, ensuring a greater transportation return on every dollar spent. It would also help states improve their road systems in ways that boost state economic growth as well as simply meet current travel needs. States could also be given the ability to experiment with innovative financing mechanisms.

In this context, extraneous refers to those Federal requirements which individual States feel are unnecessary for input into their highway decisions and highway program administration.

04/06/88
HPP-24

SENATOR STAFFORD

QUESTION NO. 11

In your statement discussing the future Federal role you list "exploration of new concepts in highway corridor preservation." Could you explain in greater detail what you have in mind and how you would enforce the NEPA requirements with this process?

ANSWER

The conventional approach to highway project management typically has right-of-way acquisition immediately preceding physical construction. The timing of property acquisitions is largely driven by the priority assigned to construction of the project. However, the situation arises with increasing frequency where the optimum timing of right-of-way acquisition (in terms of cost, displacements, avoidance of encroachment into environmentally sensitive lands, etc.) differs greatly from the optimum timing for physical construction (in terms of its relative priority with respect to other projects). Conventional project management simply is not designed for many situations where corridor preservation is a concern. In addition, many local governments have become much more cautious in exercising traditional land use controls to preserve future highway corridors because of a recent Supreme Court decision which ruled that even a temporary land use restriction could constitute a taking which is compensable under the 5th Amendment.

A mechanism is needed whereby State and local governments initiate the project development process at a much earlier time and select a project location when alternatives are not restricted by land costs and existing development and when social, economic, environmental, and historic impacts can be minimized. Equally as important, the mechanism must provide innovative ways of funding acquisition of the selected corridor when rising

land costs or imminent development are apparent. State highway agencies are reluctant to tie-up large amounts of Federal-aid highway funds to reserve corridors for projects that may be 5-10 years from construction.

The FHWA is developing guidance whereby existing administrative mechanisms can be used on an interim basis to partially address this problem. This guidance addresses protective buying, advance corridor approval (specifically addressing NEPA requirements), and accelerated right-of-way acquisition.

Several new concepts need to be explored to change and expand these mechanisms. These are (1) innovative funding arrangements, (2) a better interface with Federal permits and other Federal requirements which would come into play 5-10 years after the initial NEPA clearances and corridor location approval and (3) provisions for protective buying at an earlier stage in the process and for multiple alternatives.

Congress began addressing this matter in Section 146 of the 1987 STURA by allowing donations of land for future highway projects in advance of location approval. In any corridor preservation action undertaken or proposed by FHWA, we would, of course, incorporate the same kinds of environmental protection which the Congress placed in Section 146.

4-5-88
HEV-11

Senator Stafford

QUESTION NO. 12

What kinds of highway research and development efforts are best done by the Federal government?

ANSWER

The Federal Highway Administration's (FHWA) highway research and development (R&D) efforts should strike a balance between applied research and basic research. The work in these areas should be focused on research needs which are national in scope. The FHWA research program should involve a search for more durable materials; more efficient, quality-controlled construction practices; more economical designs; and more reliable operations of the highway system. The goal of FHWA's highway research and development efforts should be to improve the overall efficiency and safety of the nation's highway system.

4/11/88
HRD-10

SENATOR STAFFORD

QUESTION NO. 13

There are a number of environmental laws which apply to the Federal Highway Program and which projects must comply with before they can proceed. These laws include section 4(f), section 106 of the Historic Preservation Act. Section 404 of the Clean Water Act, the Clean Air Act, the Endangered Species Act, and NEPA, for example. What is your view of each of the environmental laws which apply to the Federal-aid highway program? How do you plan to assure that each one is enforced?

ANSWER

The Federal Highway Administration (FHWA) has accepted the Council on Environmental Quality's policy to consolidate all of environmental requirements under the umbrella of the National Environmental Policy and integrated these requirements into the development of highway project concepts and study of alternative locations. Our regulation (23 CFR 771) on Environmental Impact and Related Procedures provide for a balanced consideration of the overall social, economic, environmental and historic concerns together with the transportation needs and the costs of addressing the various objectives. To supplement this regulation, guidance has been published to assist State and local highway agencies in conducting technical analyses and preparing the substantive aspects of environmental documents. A copy of this Guidance for Preparing and Processing Environmental and Section 4(f) Documents will be furnished if desired.

The Government Accounting Office (GAO) recently performed an audit of several Federal agencies' practices on environmental mitigation. Among other findings, the GAO audit confirmed that FHWA has a management system in place to assure that commitments are incorporated into highway project design and construction. Furthermore, the audit showed that (based on a review of completed projects) there is good follow through on mitigation commitments.

4-8-88
HEV-11

SENATOR CHAFEE

QUESTION NO. 1 - PART 1

Can you provide a brief summation on what you regard as the proper role of environmental concerns and laws in the consideration of public works projects such as highways?

ANSWER

The Federal Highway Administration (FHWA) has accepted the Council on Environmental Quality's policy to consolidate all of environmental requirements under the umbrella of the National Environmental Policy Act. We believe that these requirements should be fully integrated into the development of highway project concepts and the study of alternative locations. Our regulation (23 CFR 771) on Environmental Impact and Related Procedures provides for a balanced consideration of the overall social, economic, environmental and historic concerns together with the transportation needs and the costs of addressing the various objectives. To supplement this regulation, guidance has been published to assist State and local highway agencies in conducting technical analyses and preparing the substantive aspects of environmental documents.

4-8-88
HEV-11

SENATOR CHAFEE

QUESTION NO. 1 - PART 2

In particular, can you discuss how you might approach a highway project that could have serious adverse consequences for wetlands?

ANSWER

Where a proposed highway project could have serious adverse consequences on wetlands, we require the preparation of an environmental impact statement (EIS) pursuant to the National Environmental Policy Act which by definition requires an EIS where the impacts are significant. Since a permit under Section 404 of the Clean Water Act is almost certain to be required, we request the U.S. Army Corps of Engineers (Corps) to be a cooperating agency on the EIS. In situations where the Environmental Protection Agency (EPA) exercises jurisdiction under Section 404(c) of the Clean Water Act, it is also requested to be a cooperating agency. In any event we closely coordinate the wetland aspects of the project with the Corps, EPA, U.S. Fish and Wildlife Service and other Federal and State resource agencies.

The approach that we take during project development is as follows:

1. delineate wetland locations in the project vicinity,
2. identify the important functions and values of wetlands in the project area,
3. perform technical analyses to establish the project's impacts on the wetland,
4. determine whether there is a practicable alternative to the proposed action that does not involve wetlands, and
5. assure that the project includes all practicable measures to minimize wetland impacts (items 4 and 5 would be included in the Wetland Finding as required by Executive Order 11990 (Wetlands)).

4-11-88
HEV-11

Senator Chafee

QUESTION NO. 2

As you are aware, I am concerned about the proliferation of billboards on our nation's highways. Can you describe for me the recent actions taken by FHWA to enforce billboard provisions contained in the law?

ANSWER

Recent actions taken by FHWA to enforce billboard provisions contained in the law include monitoring the control programs in the States to the extent practicable with existing FHWA personnel resources. The States have a significant interest in providing effective control of outdoor advertising which, in some instances, transcends the requirements of Federal law. The States have removed nearly 95 percent of the 580,000 illegal signs.

Recent enforcement actions by FHWA have been on an individual State basis. Among the more significant are:

- ensuring the payment of cash compensation for the acquisition and removal of nonconforming signs otherwise being amortized by localities;
- ensuring the repayment of Federal funds when State legislatures propose and enact legislation no longer requiring the more restrictive actual use provision for commercial and industrial areas;
- advising of the necessity to repay all bonus payments received under the bonus program if a State enacts proposed legislation which would violate the Bonus Agreement;

- maintaining control in blocked-out zones;
- assuring that new off-premise signs are allowed only in commercial and industrial areas.